

ORIGINAL  
RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

NOV 12 1991

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
Amendment of Part 97 of the )  
Commission's Rules Governing the )  
Amateur Radio Services to Expand )  
The Privileges Available to )  
Novice Class Licensees in )  
the 222-225 MHz Band )

RM-

868  
92-289

To: The Commission

PETITION FOR RULE MAKING

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.401 of the Commission's Rules, hereby respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date looking toward the amendment of Section 97.301(f) of the Commission's Rules (47 C.F.R. Section 97.301(f)) to remove restrictions limiting Novice class licensees to the frequency range 222.10-223.91 MHz in the 1.25 meter band (222.0-225.0 MHz). As good cause for its petition, the League states as follows:

I. Introduction

1. Prior to 1987, Novice class amateur licensees had no privileges in the 220-225 MHz band, or in any other VHF or UHF band.<sup>1</sup> The League and others petitioned the Commission to

---

<sup>1</sup> Novices had, from the inception of the Novice Class of license in 1951 until November 22, 1968, enjoyed operating privileges, including radiotelephony, in the 2-meter band (144-148

0+5

"enhance" the Novice class of license by adding certain limited operating privileges that would broaden their experience with different aspects of amateur radio operation, thus to encourage Novices to maintain an interest in the Amateur Radio Service and upgrade their license class through technical and operational self-training.

2. The Commission responded by issuing a Notice of Proposed Rule Making, (51 Fed. Reg. 17074, May 8, 1986) in Docket No. 86-161, proposing to increase the privileges authorized by the Novice amateur operator license to include operating privileges in the 10-meter HF band, the VHF 1.25 meter band, and the UHF 0.23 meter bands, with transmitter peak envelope power maxima of 200 watts, 25 watts, and 5 watts respectively. For the VHF and UHF allocations, all authorized emission modes were proposed, as the League requested. The Notice proposal in that proceeding had suggested that Novice control operators be authorized frequency privileges in the entire VHF 1.25 meter band. The comments in that docket generally supported that proposal, because it would provide a "common meeting ground" for new amateur operators to meet more experienced operators.<sup>2</sup> However, the Commission noted that the

---

MHz). This privilege was eliminated at the time the amateur radio license classes were restructured; Novices lost voice privileges in the 2-meter band November 22, 1968 (See, the Report and Order, 9 FCC 2d 814 at 819 (1967)) and lost the remainder of their operating privileges in that band November 22, 1972.

<sup>2</sup> See the Report and Order, 2 FCC Rcd. 727, paragraphs 5 and 7 (1987).

allocation status of the 216-225 MHz band was not yet determined,<sup>3</sup> and that it would not finalize any proposal for Novice subbands relative to the 220-225 Mhz band until the overall allocation issue was resolved.

3. The League noted in Docket 86-161 that the Novice allocation had nothing to do with other proceedings involving the allocation status of the band; the inclusion of Novice operator privileges on a band already available to the Amateur Radio Service would not affect future allocation revisions. The comments in the proceeding generally favored the availability of the entire band for Novice operation, and that all emission modes be permitted. The only restriction urged by the League and others was that Novices should not be allowed to be control operators or trustees of repeaters, though they should be allowed to transmit (i.e. have their signals retransmitted) through a repeater.

4. For that reason, the Commission, when it issued its Report and Order in Docket 86-161, (2 FCC Rcd. 727, 62 RR 2d 29 (1987)) chose to place a prohibition in former rule Section 97.85 (now 97.205) governing repeater operation, which prohibited any station at which a Novice is a control operator from being in repeater operation. Section 97.205(a) is now phrased in the permissive form, permitting all licensees except Novice class licensees, to operate their stations in repeater operation:

---

<sup>3</sup> The reference was to Docket 87-14, in which the Commission, inter alia, reallocated the 220-222 MHz band from the Amateur Radio Service to the Land Mobile Services.

(a) Any amateur station licensed to a holder of a Technician, General, Advanced or Amateur Extra Class operator license may be a repeater. A holder of a Technician, General, Advanced or Amateur Extra Class operator license may be the control operator of a repeater, subject to the privileges of the class of operator license held.

This rule alone is sufficient to preclude Novice class amateur radio licensees from being control operators of repeaters.<sup>4</sup> It does not, however, preclude Novice licensees from using repeaters controlled by a person holding a higher class license, which was the intent of the League, and of the Commission, in Docket 86-161.

5. In addition to that restriction, however, the Report and Order limited the frequency privileges of Novice class licensees in the 1.25 meter band to those which, at the time, corresponded to those specified in the ARRL band plan for repeater input frequencies: 222.10-223.91 MHz. This was ostensibly to focus Novice operation on FM repeater operation in the 220 MHz band. It also avoided the 220-222 MHz segment, which was then under consideration in Docket 87-14 for reallocation to the land mobile radio services. Of this limitation, the Commission stated:

In its proposal regarding the 1.25 meter band (VHF), the ARRL requested that Novices be permitted use of the band 220-225 MHz with all voice and data modes, including radiotelegraphy, with a power limit of 25 watts output. However, it asked that repeater operation by stations licensed or controlled by Novices not be permitted...The comments reflected an interest in VHF privileges for Novice operators. In our view, VHF privileges for Novices would create the kind of interest that is needed for

---

<sup>4</sup> In the same fashion, Novice licensees are prohibited from operating their stations in beacon operation (See Section 97.203(a)) or in auxiliary operation (See Section 97.201(a)).

amateurs to continue in the hobby and at the same time motivate them to advance to the higher license classes. To this end, we will authorize frequencies 222.10-223.91 MHz for use by Novice operators. This action in conjunction with voluntary band plans will allow operation on repeater input and simplex channels... This would permit Novice operators to operate with those modes most appropriate to their level of license and to communicate with more experienced amateurs. For example, frequencies below 222 MHz are typically used for moonbounce, propagation beacons and control signals, activities generally engaged in by amateurs with more experience.

(2 FCC Rcd. at 728, para. 13)

A footnote in the Report and Order noted that the subband chosen for Novices in the 222-225 MHz band was chosen based on the voluntary band plan then under review by the League. The Commission noted that:

Our reason for selecting this band is to provide Novice operators access to repeater communications by permitting them to operate on repeater input frequencies. Where voluntary band plans identify repeater output frequencies inside the subband 222.10-223.91 MHz, this circumstance is not to be construed as authority for repeater operation...by Novice class licensees.

(2 FCC Rcd. at 732, n.9)

6. In August of 1988, the Commission adopted its Report and Order in Docket 87-14, which was affirmed in June of 1989, reallocating the 220-222 MHz band from the Amateur Radio Service to the land mobile radio services. See, Amendment of Part 2 of the Commission's Rules Regarding the Allocation of the 216-225 MHz Band, 3 FCC Rcd. 5287 (1988), recon. denied, 4 FCC Rcd. 6407 (1989), affirmed sub nom. American Radio Relay League, Incorporated v. FCC, No. 89-1602 (D.C. Cir. 1990; unpublished opinion). Amateur operation in the 220-222 MHz subband ceased August 27, 1991,

pursuant to Public Notice of the Commission released May 13, 1991 (56 Fed. Reg. 23068).

## II. Novice Class Licensees Should Have Access To The Entire 1.25 Meter Band

7. With the radical changes in the 222-225 MHz segment of the 1.25 meter band brought about by the reallocation of the amateur 220-222 MHz band, a complete reworking of the 222-225 MHz band plan is required and is underway within the Amateur community. The League's national band plans have traditionally been the standard throughout the country for cooperative operating practices, but these are of necessity subject to local variation, as the Commission noted in its Report and Order in Docket 86-161. These local variations, and the significant changes brought about in Docket 87-14 will render the frequency limitations now contained in Section 97.301(f) with respect to Novice use of the 1.25 meter band obsolete, and will unnecessarily, and with no justification, restrict Novice amateur operation.<sup>5</sup> The League did not support the frequency limitation when it was imposed, as the voluntary band plans in the Amateur Service are dynamic, while regulatory limitations on frequency use are not. Now, with the changes in the band plan brought on by the compression of all 220-225 MHz amateur

---

<sup>5</sup> As noted above, Novices are prohibited from operating their stations in beacon or auxiliary operation, but they are not precluded from using the frequencies on which beacon or auxiliary operation is conducted. See, Sections 97.201 and 97.203 of the Rules. There is no more rationale for precluding Novice operation on frequencies on which repeaters may operate.

operation into the 222-225 MHz band, reconfiguration of the band plans, both locally and nationally, are required.

8. Moreover, the League suggests that Novice class amateurs should have the entitlement to use all frequencies in the 222-225 MHz band. The exposure of Novices to all facets of amateur operation in that band will enable them to become proficient in a wider variety of amateur operation, including weak-signal, CW and SSB terrestrial operation, which has become routine at 220 MHz. Such will also encourage even more extensive Novice operation in the band than in the past, now that it is clear that amateurs have exclusive entitlement to the 222-225 MHz band for the long term. Past regulatory disincentives to Novice use of the band, created by the uncertain allocation status thereof, were removed by final action in Docket 87-14, and full occupancy of the band by Novices and other amateurs is now inevitable. The frequency limitation contained in the current rules for Novice licensees was intended to insure that Novices did not have privileges to transmit on the output frequency of repeaters (as they do not have the privilege of being control operators of repeaters, the theory was that they would have no need to operate on channels dedicated, by national band plan, to repeater outputs). That restriction is, as noted above, duplicative with the provisions of Section 97.205(a), was thus unnecessary when enacted, and is in any event now outdated. Furthermore, even if the repeater input frequencies were to remain the same in revised national and local band plans, 222-225 MHz repeater operation by Novices necessitates their ability to utilize

the output frequencies as well as the inputs. If a repeater is not operational, Novices may nonetheless utilize a popular output channel to attract attention of those who can hear the station using simplex transmissions. Use of output frequencies to attract attention is useful in certain emergency situations as well, especially in areas of rough terrain where a repeater may not be accessible to a station, but the other station is within simplex range.<sup>6</sup> Too, it is not useful to place a Novice in the position of a rule violator merely because, inadvertently, a simplex/repeater switch or transmit offset switch may be placed in the wrong position when transmitting. Finally, Novices who wish to use the frequencies for simplex FM operation in areas where a repeater is not in operation on a particular frequency should be able to do so without restriction. Principally, however, the benefit of the relief of restrictions proposed herein is that Novices should be exposed to routine types of amateur operation in the 1.25 meter band other than FM repeater operation. Such would encourage the self-training and development of the Novice licensee.

---

<sup>6</sup> Good amateur operating practice has always been, and remains, that simplex FM operation should always be used when possible as an alternative to repeater use, both as a courtesy to free up the repeater for other users, and, more practically, to keep it available for emergency communications. To test the propagation path, especially in mobile-to-mobile communications, two stations communicating through a repeater occasionally will listen on an input channel, or attempt to transmit briefly to the other station on the output channel, to quickly determine the possibility of moving to a simplex channel and thus free the repeater for others.



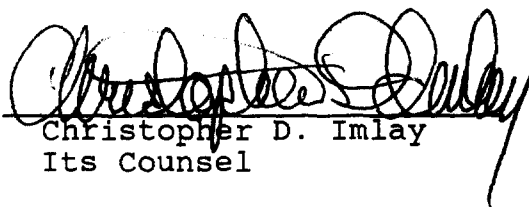
Accordingly, the American Radio Relay League, Incorporated, respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date looking toward the amendment of Part 97 of the Rules, as set forth in the attached Appendix, to authorize Novice class amateur licensees to use the entire 222-225 MHz (1.25 meter) band, with all emission modes authorized to other classes of amateur licensee.

Respectfully submitted,

225 Main Street  
Newington, CT 06111

THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED

By

  
Christopher D. Imlay  
Its Counsel

BOOTH, FRERET & IMLAY  
1920 N Street, N. W.  
Suite 150  
Washington, D. C. 20036  
(202) 296-9100

November 12, 1991